



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,296	12/21/2001	Jong-Hyun Jin	P-0302	3224
34610	7590	10/24/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			JAMAL, ALEXANDER	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,296	Applicant(s) JIN ET AL.	
	Examiner Alexander Jamal	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 1, 2 and 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 5-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Based upon the submitted amendment (9-19-2005), the examiner notes that claims 1,2,4 have been cancelled, claims 3,5-9,11,14,15,20,21 have been amended and claims 22 and 23 have been added.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 3,5-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Irube et al. (6377818).

As per **claim 3**, Irube discloses a mobile telephone system that sends/receives connection requests. The requests inherently comprise an NDC for the purpose of routing the call through the correct calling relay (examiner notes that the 'NDC' could be

read as the exchange number, the area code, or any additional signaling required to properly route the call as per a known standard) The request further inherently comprises a subscriber number for the purpose of directing the call to the correct subscriber. The call request data structure further comprises a subaddress that notifies the destination terminal as to which communication medium should be used to connect the call (voice mode or video mode) (ABSTRACT, Col 16 lines 43-58). The subaddress is the origination continuation message.

As per **claim 9**, claim rejected for same reasons as claim 3, the subaddress is the origination continuation message.

As per **claims 15, 20**, claim rejected for same reasons as claim 9 rejection. The device may also use the called number (originating message) to detect what type of call is being sent (Col 17 lines 45-60).

As per **claim 21**, claim rejected for same reasons as claim 1 rejection. The device comprises a display. After receiving a call request, the user selects to receive the call by answering or granting execution the phone/video call (Col 9 lines 25-60) (Col 13 lines 30-52).

As per **claim 10**, the subaddress identifies either a voice or video medium.

As per **claims 5,11**, the device may identify the voice or video mode by the called number (without an origination continuation message).

As per **claims 6,12**, since the device receives digital data, the system must wait a predetermined time for the origination continuation information to be processed with the

Art Unit: 2643

amount of time being determined by the clocking rate of the device. The device determines the type of call based upon the subaddress (ie. it is 'set active').

As per **claims 7,13**, claim rejected for same reasons as claim 21 rejection.

As per **claim 8**, both the calling and called devices implement a handshaking procedure in which they notify each other of any mode requests and/or mode refusals (Col 16 line 30 to Col 17 line 25).

As per **claim 16**, the appropriate medium is chosen based upon the type of call (Col 19 lines 3-43).

As per **claim 17**, claim rejected for same reasons as claim 6. The device may look for a subaddress, or use the calling information (without the subaddress) to determine the call type (Col 18 lines 15-27).

As per **claim 18**, claim rejected for same reasons as claim 21 rejection. Additionally, the user can select whether to connect the terminal or not (going offhook) and the called device will send the appropriate messaging to the calling device (Col 18 lines 38-65).

As per **claim 19**, claim rejected for same reasons as claim 3 rejection.

As per **claims 22,23**, the distinguishing is performed by the destination terminal.

Response to Arguments

4. Applicant's arguments filed 9-19-2005 have been fully considered but they are not persuasive.

As per applicant's argument that Irube fails to disclose connecting the voice/video call appropriately after distinguishing the call type based upon an origination continuation message (remarks pages 10-11) examiner disagrees. Irube does disclose that the terminating terminal user may change the type of communication after the call has been connected, but Irube also discloses that a subaddress (origination continuation message) may be sent during all setup (ie. before the call has connected) and used to distinguish the call type (Col 18 lines 15-29, Col 17 lines 45-60). Examiner further notes Fig. 11 of Irube which discloses the destination terminal checking for a communication type (based upon the subaddress) and then performing the appropriate communication processing. The call will not be connected until one of these modes is determined.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2643

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Jamal whose telephone number is 571-272-7498. The examiner can normally be reached on M-F 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A Kuntz can be reached on 571-272-7499. The fax phone numbers for the organization where this application or proceeding is assigned are **571-273-8300** for regular communications and **571-273-8300** for After Final communications.

AJ
October 17, 2005


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600